

PEARSON, J.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

KIMBERLY SUE GLANZ,)	
)	CASE NO. 5:17CV1437
Plaintiff,)	
)	
v.)	JUDGE BENITA Y. PEARSON
)	
NANCY A. BERRYHILL,)	
ACTING COMMISSIONER OF)	
SOCIAL SECURITY,)	
)	<u>MEMORANDUM OF OPINION</u>
Defendant.)	<u>AND ORDER</u>

An Administrative Law Judge (“ALJ”) denied Plaintiff Kimberly Sue Glanz’s application for supplemental security income (“SSI”) after a hearing in the above-captioned case. That decision became the final determination of the Commissioner of Social Security when the Appeals Council denied the request to review the ALJ’s decision. The claimant sought judicial review of the Commissioner’s decision, and the Court referred the case to Magistrate Judge James R. Knepp, II for preparation of a report and recommendation pursuant to [28 U.S.C. § 636](#) and [Local Rule 72.2\(b\)\(1\)](#).¹ On July 17, 2018, the magistrate judge submitted a Report ([ECF No. 18](#)) recommending that the decision of the Commissioner be affirmed in part, and reversed and remanded in part. Specifically, the magistrate judge found that, the ALJ’s decision provided new

¹ The Court initially referred the case to Magistrate Judge David A. Ruiz for preparation of a report and recommendation, however, on June 20, 2018, Magistrate Judge Ruiz filed an Order of Recusal. [ECF No. 17](#). The case was then referred to Magistrate Judge James R. Knepp, II. [See June 21, 2018 non-document Automatic Reference.](#)

(5:17CV1437)

and material evidentiary support, with citations to the medical evidence of record, for the change from the prior ALJ's RFC finding. [ECF No. 18 at PageID#: 960](#). Next, the magistrate judge found that the ALJ's decision assigning little weight to the opinion of treating physician Dr. Tan is not supported by substantial evidence, and therefore, the decision should be remanded for a reconsideration of his opinion in regard to the work restrictions he assessed in the December 2012 letter. [Id. at PageID#: 963](#). Furthermore, the magistrate judge determined that, the ALJ's decision assigning little weight to the opinion of treating physician Dr. Kamath is also not supported by substantial evidence because it is inconsistent with other substantial evidence in the record, and thus, should be remanded for a reconsideration of Dr. Kamath's opinion. [Id. at PageID#: 964](#). In addition, the magistrate judge found that the ALJ did not err in the lack of an RFC limitation, based on consultative psychologist, Dr. Bard's opinion, concerning the ability to interact with others, and thus, the ALJ's opinion was supported by substantial evidence in this regard. [Id. at PageID#: 965](#). Finally, the magistrate found that the ALJ did not err in his considerations of the opinions of treating physicians, Drs. Healy and George. [Id. at PageID#: 966](#).

[Fed. R. Civ. P. 72\(b\)\(2\)](#) provides that objections to a report and recommendation must be filed within 14 days after service. Objections to the magistrate judge's Report were, therefore, due on July 31, 2018. Neither party has filed objections, evidencing satisfaction with the magistrate judge's recommendations.² Any further review by this Court would be a duplicative

² On July 26, 2018, the Commissioner of Social Security filed a notice that no objections would be filed. [ECF No. 19](#).

(5:17CV1437)

and inefficient use of the Court's limited resources. [*Thomas v. Arn*, 728 F.2d 813 \(6th Cir. 1984\)](#), [*aff'd*, 474 U.S. 140 \(1985\)](#); [*Howard v. Secretary of Health and Human Services*, 932 F.2d 505 \(6th Cir. 1991\)](#); [*United States v. Walters*, 638 F.2d 947, 949-50 \(6th Cir. 1981\)](#).

Accordingly, the Report and Recommendation of the magistrate judge is hereby adopted. The decision of the Commissioner of Social Security is affirmed in part, and reversed and remanded in part to address the opinions of Drs. Kamath and Tan.

IT IS SO ORDERED.

August 3, 2018
Date

/s/ Benita Y. Pearson
Benita Y. Pearson
United States District Judge